

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

KOPER, Olga et al.

Serial No. : 10/658,011

Filed: September 9, 2003

REACTIVE NANOPARTICLES AS DE-
STRUCTIVE ADSORBENTS FOR BIO-
LOGICAL AND CHEMICAL CONTAMI-
NATION

Docket No. 26787-C

Conf. No. 4040

Group Art Unit No. 1754

Examiner: JOHNSON, EDWARD M

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

The owner, NanoScale Materials, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,653,519; 6,417,423; and 6,057,488. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner did not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term

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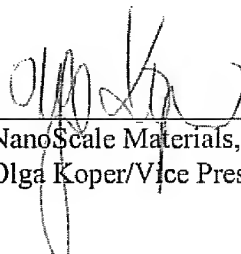
as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check in the amount of \$65.00 is enclosed to cover the cost of this Terminal Disclaimer.

Respectfully submitted,

By



NanoScale Materials, Inc.
Olga Koper/Vice President